IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 14028 of 1997

Between:

M.Jagannadham S/o.Narsaiah
Kunoor Village, Zaffarghad Mandal,
Warangal District.

..... PETITIONER

AND

1 The Joint Collector,
Warangal.
2 The Revenue Divisional Officer,
Warangal.
3 The Mandal Revenue Officer, Zafferghad Mandal,
Warangal District.
4 The Sarpanch, Grampanchayat Kunoor Village, Zafferghad Mandal,
Warangal District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction preferably Writ of Mandamus, declaring the order of the 1st Respondent issued in Proceedings No.F3/5832/97, Dt.13/6/97 as illegal, arbitrary and without jurisdiction and violative of principles of natural justice and pass such other or further as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The present writ petition is filed questioning the order dated 13-6-1997 passed by the Joint Collector, Warangal granting stay of further proceedings in order No.G/CSP 2795/96 dated 23-4-1997 passed by the Revenue Divisional Officer, reinstating the Fair Price Shop dealer of Kunoor village.

The petitioner is a fair price shop dealer of Shop No.1., Kunoor village, Zaffarghad mandal, Warangal district, whose authorisation was cancelled by the Revenue Divisional Officer vide proceedings dated 20-11-1996. Questioning the said order, the petitioner filed W.P.No. 4211 of 1997, which was disposed of by order dated 6-3-1997 directing the second respondent/Revenue Divisional Officer to conduct and complete enquiry within four weeks from the date of receipt of the copy of the said order. Thereafter, the Revenue Divisional Officer conducted an enquiry and restored the authorisation of the petitioner vide proceedings dated 23-4-1997 imposing a penalty of Rs.1000/-. The petitioner stated to have paid the fine amount and started operating the fair price shop. Thereafter, on an appeal filed by the Surpanch of the Kunoor village, the first respondent passed impugned order dated 13-6-1997. Hence, the present writ petition.

Learned counsel for petitioner stated that the Revenue Divisional Officer, pursuant to orders of this Court in W.P.4211 of 1997 conducted an enquiry and restored the authorisation of the petitioner imposing a fine of Rs.1000/- and the same was paid by the petitioner and the 4th respondent/surpanch of the village has no locus to question the said order by filing an appeal before the Joint Collector. It is thus mainly contended that the Surpanch has no locus to file the appeal and without considering

the said aspect, the first respondent/Joint Collector entertained the appeal and granted stay of operation of the order dated 23-4-1997, which is illegal.

Heard the learned counsel for petitioner and learned Government Pleader for Civil Supplies.

Though the writ petition was admitted and interim suspension was granted on 8-7-1997, till date no counter affidavit filed in the matter. In the circumstances, in stead of keeping the writ petition pending, I deem it appropriate to dispose of the same, with the following direction.

The first respondent/Joint Collector is directed to consider the points raised by the petitioner, including the point as to whether the Surpanch of the village has any locus to file the appeal in question and dispose of the appeal in accordance with law expeditiously. Till such final orders are passed in appeal, interim suspension granted by this Court on 8-7-1997 shall continue.

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N.V.RAMANA,J

9-3-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector,
Warangal.
2 The Revenue Divisional Officer,
Warangal.
3 The Mandal Revenue Officer, Zafferghad Mandal,
Warangal District.
4 The Sarpanch, Grampanchayat Kunoor Village, Zafferghad Mandal,
Warangal District.

5) 2 CD copies

6).. 2 CCs to The Government Pleader for Civil Supplies, High Court of A.P. Buildings, Hyderabad (OUT)

*Form-NIC-OGS/WP{**MN**}*